

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. 2:02-cr-0416 GEB JFM

vs.

DAWANE A. MALLETT,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

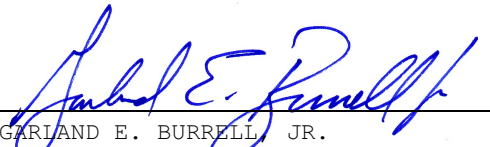
On February 4, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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- 1           1. The findings and recommendations filed February 4, 2011, are adopted in full;
- 2           2. Movant's April 3, 2008 motion to vacate, set aside, or correct his sentence
- 3 pursuant to 28 U.S.C. § 2255 is denied;
- 4           3. The court declines to issue a certificate of appealability; and
- 5           3. The Clerk of the Court is directed to close the companion civil case, No. 2:08-
- 6 cv-0707 GEB JFM.

7 Dated: March 10, 2011

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10 GARLAND E. BURRELL, JR.  
11 United States District Judge  
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